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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,)	Case No.
Plaintiff,)	CV 12-55-BLG-RFC
vs.)	
EASTERN MONTANA MINERALS, INC.,)	
and MUSSELSHELL RESOURCES, LLC,)	
Defendants and Counterclaim Plaintiffs,)	<u>PINESDALE LLC'S</u>
SIGNAL PEAK ENERGY, LLC;)	<u>MOTION TO DISMISS</u>
FIRSTENERGY CORP.; FIRSTENERGY)	<u>AMENDED</u>
VENTURES CORP.; FIRSTENERGY)	<u>COUNTERCLAIMS</u>
GENERATION CORP.; GUNVOR GROUP,)	
LTD.; PINESDALE LLC; BOICH)	
COMPANIES, LLC; WMB MARKETING)	
VENTURES, LLC; GLOBAL COAL SALES)	
GROUP, LLC; and GLOBAL MINING)	
HOLDING COMPANY, LLC,)	
Counterclaim Defendants.)	

Counterclaim Defendant Pinesdale LLC (“Pinesdale”), pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, hereby moves this Court to dismiss Counts Four, Five, Six, and Eight with respect to Pinesdale, with prejudice. In support of this Motion, Pinesdale relies on the accompanying Memorandum of Law and the Declaration of Steven Marcuse.

Pursuant to Local Rule 7.1(c)(1), local counsel for Defendants/Counterclaim Plaintiffs has been contacted and opposes this motion.

DATED this 25th day of July, 2012.

_____/s/ James H. Goetz_____
GOETZ, GALLIK & BALDWIN, P. C.
Attorney for Counterclaim Defendant
Pinesdale LLC

CERTIFICATE OF SERVICE

I certify that, on July 25, 2012, a copy of the foregoing document was served on the following persons by the following means:

<u>1-9</u>	CM/ECF
_____	Hand Delivery
_____	Mail
_____	Overnight Delivery Service
_____	Fax
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_____/s/ James H. Goetz_____
GOETZ, GALLIK & BALDWIN, P. C.

cc: Hon. Richard F. Cebull, U. S. District Judge
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